

IN THE SENATE OF THE UNITED STATES.

MAY 7, 1860.—Ordered to be printed.

Mr. NICHOLSON submitted the following

REPORT.

*The Committee on Revolutionary Claims have had under consideration the petition of the heirs of Nathan Weeks, praying for the seven years' half pay due them as the heirs of said Weeks, a lieutenant in the revolutionary army, and for the residue of his pay due at the time of his death, and respectfully submit the following report:*

The committee have procured from the Pension Office evidence that "Nathan Weeks was a second lieutenant in Captain Coggleshall Olney's company of Colonel Israel Angel's regiment, Rhode Island continental line, of the revolutionary war, and that he was killed 28th of June, 1778, in service." As he was in service at the time of the passage by Congress of the resolution of May 15, 1778, his widow or orphan children would be entitled to the seven years' half pay granted to them by the resolution of August 24, 1780. The petition is made by the grandchildren of Nathan Weeks, who allege that their father, John Weeks, was the sole heir surviving their grandfather; and that their said father died in 1807, having never received the balance of £36 10s. due their grandfather for services, nor the seven years' half pay due their said father as sole surviving son of said Nathan Weeks, and claiming to be entitled to both sums as heirs of the deceased parties.

John Weeks, the father of petitioners, was born in 1772, and died in 1807, according to the petition. He was, therefore, thirty-five years of age at his death, and had been of age fourteen years. No reason is given why he did not receive either the half pay or the balance for services due him as sole heir of his father. It does appear, that as early as June 4, 1780, "land bounty was granted to the assignees of John Weeks, son and only heir of Lieutenant Nathan Weeks, deceased." As John Weeks was then only eight years of age, his interests must have been represented by the administrators of his father, or by his own guardian, and it seems not unreasonable to suppose that the half

pay and balance for services were in like manner attended to and secured. At least, the petitioners have shown no evidence calculated to rebut this presumption, nor to explain why no application was made to Congress until 1852, a period of seventy-two years from the passage of the resolution granting the half pay. After such delay, the committee feel constrained to require satisfactory proof that the balance due for services and the half pay for seven years were not in fact paid either by the State of Rhode Island or by the federal government. The proof before the committee is not of this character, and on that ground they ask to be discharged from the further consideration of the case, and recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.